

REMARKS

In an Office Action mailed August 23, 2007, claims 1 – 29 are pending and all claims stand rejected. Claims 4, 11, 17, 20, 21, and 24 - 29 have been cancelled from the present application without prejudice to re-filing in a continuation application. Claims 1 - 3, 5 - 10, and 12 - 16, 18, 19, 22, and 23 are currently pending.

In the specification, paragraph [0076] has been amended to correct a minor editorial error. Formula (XIX) of claim 13 is disclosed in the specification as (XIX) at pages 5, 15, and 22. The editorial error in the specification on pages 11-12 is amended by designating the compound that appears there as "(XIXa)".

Obviousness-type double patenting

In the Office Action it is asserted that claims 1 - 19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting in view of claims 15 - 19 of co-pending Application No. 10/560500. The rejection may be obviated by the filing of a terminal disclaimer in the later-filed co-pending application.

The Examiner asserts that claims 1 - 29 are rejected on the ground of nonstatutory obviousness-type double patenting in view of claim 12 of U.S. Patent No. 7,145,024. Claim 12 of U.S. 7,145,024 is directed to a resolution step. Claims 4, 11, 17, 20, 21, and 24 - 29 have been cancelled from the present application. Therefore the rejection is moot as to these claims. For the purpose obtaining an early allowance of the instant application, claim 3 has been amended to eliminate a resolution step. Claims 1, 2, 5, 18, 19, 22, and 23 do not recite a resolution step. Claims 7, 8, 9, 10, 12, 14, 16, are directed to compounds. Claim 15 includes resolution of brominated compounds. Claims 6 and 13 include resolution steps of acetates, for which the Examiner asserts that enablement is provided in the specification.

Applicants respectfully request withdrawal of the rejection of claims 1 -

3, 5 - 10, and 12 - 16, 18, 19, 22, and 23 on the ground of nonstatutory obviousness-type double patenting.

35 U.S.C. §112, second paragraph

Claims 1, 3, 4, 6, 13, 16-17 are rejected under 35 U.S.C. §112, second paragraph as being vague and indefinite. Claims 4 and 17 have been cancelled. Therefore the rejection is moot as to claims 4 and 17.

The Examiner states that the term "C₆₋₁₄aryl" in claims 1 and 3 is unclear. Applicants respectfully disagree. "C₆₋₁₄aryl" is a commonly used term in patent applications. Furthermore, a definition of "C₆₋₁₄aryl" may be found in the specification at page 9.

The Examiner contends that claims 3, 4, 6, and 11 omit steps. Claims 4 and 11 are cancelled. Therefore the rejection is moot as to claims 4 and 11. Claim 3 has been amended to include an esterification step. Support for the amendment to claim 3 may be found in the specification at pages 20 -21. Claim 6 has been amended to include steps. Support for the amendment to claim 6 may be found in the specification at pages 5, 18-19 and the Examples. Claim 13 has been amended to include steps. Support for the amendment to claim 13 may be found in the specification at pages 5, 21-23 and the Examples.

Claim 6 has been amended to include the definition of "substantially free" as suggested by the Examiner. Support for the amendment to claim 6 may be found in the specification at page 9.

Formula (XIX) of claim 13 is disclosed in the specification as (XIX) at pages 5, 15, and 22. The editorial error in the specification on pages 11-12 is amended by designating the compound that appears there as "(XIXa)".

Claim 17 has been cancelled from the present application.

Applicants respectfully request withdrawal of the rejection of claims 1, 3, 6, 13, and 16 under 35 U.S.C. §112, second paragraph.

35 U.S.C. §112, first paragraph

Claims 1 - 6, 11, 13, 15, 18 - 29 are rejected under 35 U.S.C. §112, second paragraph, because the Examiner contends that the specification, while enabling for some of the reagents, does not reasonably provide enablement for the wide variety of reagents claimed. Claims 4, 11, 20, 21, and 24 -29 have been cancelled from the present application. Therefore, the rejection is moot as these claims. Claims 1, 3, 6, and 13 have been amended to recite fewer reagents. Support for the amendment to claims 1, 3, 6, and 13 may be found in the specification at page 21. Claims 2, 19, 22, and 23 are dependent claims. Claim 5 does not recite a broad list of reagents. Claim 15 recites N-bromosuccinimide. Claim 18 does not recite the cyclization step.

Applicants respectfully request withdrawal of the rejection of claims 1 - 3, 5 - 6, 13, 15, 18, 19, 22, and 23 under 35 U.S.C. §112, first paragraph.

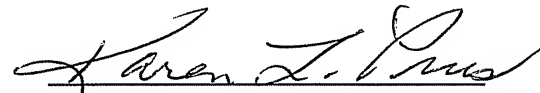
It is respectfully submitted that the present application is in condition for allowance. An early consideration and notice of allowance are earnestly solicited.

The Commissioner is hereby authorized to charge such fees and any other fees required or credit any overpayment to Deposit Account No. 07-1392.

Respectfully submitted,

Date

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Karen L. Prus

Attorney of Record, Reg. No 39,337

GlaxoSmithKline
Corporate Intellectual Property
Five Moore Drive, PO Box 13398
Research Triangle Park, NC 27709-3398
Telephone: 919-483-2192
Fax: 919-483-7988